

EXHIBIT 02

From: [Chenery, Taylor](#)
To: [Bowden, Ellen \(USATNM\)](#)
Cc: [Roark, Brian](#); [Sweet, Kara \(USATNM\)](#); [Shuford, Wynn \(USATNM\)](#); jmartin@barrettjohnston.com; [Seth Hyatt](#); bryanvroon@gmail.com; [Sample, Taylor M.](#); [Webber, Hannah E.](#); [Robert S. Salcido \(rsalcido@akingump.com\)](mailto:rsalcido@akingump.com)
Subject: [EXTERNAL] RE: draft joint discovery statement
Date: Wednesday, April 26, 2023 2:50:18 PM
Attachments: [Joint Motion for Discovery Conference \(Redline\).DOCX](#)
[Joint Motion for Discovery Conference \(Clean\).DOCX](#)
[Joint Discovery Dispute Statement re RFPs 26 and 27 and Topic 1 \(Redline\).DOCX](#)
[Joint Discovery Dispute Statement re RFPs 26 and 27 and Topic 1 \(Clean\).DOCX](#)

Ellen,

Attached are both redline and clean versions of the motion and joint statement reflecting our edits to the most recent versions that you sent. We do not believe that excess pages are necessary on what is a single issue, nor do we expect the Court would be receptive to extra pages of briefing for an issue that already has been raised and addressed. To the extent we are treating this as a discovery dispute at all, the parties' position statements should be limited to three pages each in accordance with the case management orders.

Thanks,
Taylor

Taylor Chenery

Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800 • Nashville, TN 37201
615-742-7924 phone • 615-618-3300 cell
TChenery@bassberry.com • www.bassberry.com

From: Bowden, Ellen (USATNM) <Ellen.Bowden2@usdoj.gov>
Sent: Friday, April 21, 2023 2:30 PM
To: Chenery, Taylor <TChenery@bassberry.com>
Cc: Roark, Brian <BRoark@bassberry.com>; Sweet, Kara (USATNM) <Kara.Sweet@usdoj.gov>; Shuford, Wynn (USATNM) <Wynn.Shuford@usdoj.gov>; jmartin@barrettjohnston.com; Seth Hyatt <shyatt@barrettjohnston.com>; bryanvroon@gmail.com; Sample, Taylor M. <taylor.sample@bassberry.com>; Webber, Hannah E. <hannah.webber@bassberry.com>; Robert S. Salcido (rsalcido@akingump.com) <rsalcido@akingump.com>
Subject: RE: draft joint discovery statement

Taylor – Please see the US' responses to your proposed redline of the joint discovery dispute statement and our redline of your proposed joint motion. As you will see, the US has rejected many of your proposed edits to the joint statement. You have our permission to file it with what we have agreed to here. However, if you make further changes, please let us see the joint statement again before filing it. You also have our permission to file the joint motion with our edits, which include asking for leave to file excess pages, since both parties have a position that is more than 3 pages if we view this as a 1 issue dispute. Of course, arguably the dispute is over 2 issues (violation and sanctions), in which case we would not formally need to request extra pages. Thanks.

Ellen

From: Chenery, Taylor <TChenery@bassberry.com>
Sent: Wednesday, April 19, 2023 3:13 PM
To: Bowden, Ellen (USATNM) <EBowden@usa.doj.gov>
Cc: Roark, Brian <BRoark@bassberry.com>; Sweet, Kara (USATNM) <KSweet@usa.doj.gov>; Shuford, Wynn (USATNM) <WShuford@usa.doj.gov>; jmartin@barrettjohnston.com; Seth Hyatt <shyatt@barrettjohnston.com>; bryanvroon@gmail.com; Sample, Taylor M. <taylor.sample@bassberry.com>; Webber, Hannah E. <hannah.webber@bassberry.com>; Robert S. Salcido (<rsalcido@akingump.com>) <rsalcido@akingump.com>
Subject: [EXTERNAL] RE: draft joint discovery statement

Ellen,

Attached is a redline tracking changes to the revised version of the joint statement that you sent, as well as a clean version incorporating those changes. A draft motion is also attached. Please let us know if you consent to filing.

Thanks,
Taylor

Taylor Chenery

Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800 • Nashville, TN 37201
615-742-7924 phone • 615-618-3300 cell
TChenery@bassberry.com • www.bassberry.com

From: Bowden, Ellen (USATNM) <Ellen.Bowden2@usdoj.gov>
Sent: Thursday, April 13, 2023 1:01 PM
To: Chenery, Taylor <TChenery@bassberry.com>
Cc: Roark, Brian <BRoark@bassberry.com>; Sweet, Kara (USATNM) <Kara.Sweet@usdoj.gov>; Shuford, Wynn (USATNM) <Wynn.Shuford@usdoj.gov>; jmartin@barrettjohnston.com; Seth Hyatt <shyatt@barrettjohnston.com>; bryanvroon@gmail.com
Subject: RE: draft joint discovery statement

Pardon. Here's the attachment.

From: Bowden, Ellen (USATNM)
Sent: Thursday, April 13, 2023 1:01 PM
To: Chenery, Taylor (<TChenery@bassberry.com>) <TChenery@bassberry.com>
Cc: Roark, Brian <BRoark@bassberry.com>; Sweet, Kara (USATNM) <KSweet@usa.doj.gov>; Shuford, Wynn (USATNM) <WShuford@usa.doj.gov>; jmartin@barrettjohnston.com; Seth Hyatt <shyatt@barrettjohnston.com>; bryanvroon@gmail.com

Subject: draft joint discovery statement

Counsel – Please see the United States’ revised version of the joint discovery statement attached, which includes our portion, plus revisions to the introductory sections. If you make any further changes, please share them and obtain our consent before filing. In addition, please send me the motion so I can consent to it before filing. We will send you our exhibits shortly. Thank you.

Ellen

Ellen Bowden McIntyre
Deputy Civil Chief, ACE
United States Attorney’s Office
Middle District of Tennessee

Work – 615-736-2125

Work cell – 615-428-4297

Ellen.Bowden2@usdoj.gov

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